



UNITED STATES MARINE CORPS

MARINE CORPS BASE
QUANTICO, VIRGINIA 22134-5001

MCBO 5800.1
B 052
28 Apr 93

MARINE CORPS BASE ORDER 5800.1

From: Commanding General
To: Distribution List

Subj: TRAFFIC COURT

Ref: (a) MCO 5110.1C
(b) MCBO 5370.1
(c) MCBO P5100.1A
(d) MCBO 5560.2A

Encl: (1) Table of Violations and Administrative Actions

1. Purpose. To establish a traffic court system aboard MCB, Quantico.
2. Cancellation. MCBO 5800.1A.
3. Summary of Revision. This revision contains a significant number of changes and should be reviewed in its entirety.
4. Organization and Jurisdiction of the Traffic Court

a. Traffic court is composed of a Traffic Court Officer, an Alternate Traffic Court Officer, a traffic court clerk, and a traffic court liaison from the Provost Marshal's Office. The Traffic Court Officer will be a field grade officer assigned in writing by the Commanding General.

b. The Traffic Court Officer is authorized to hear cases and impose administrative restrictions on personnel found guilty of traffic violations. When an alleged offender is senior in rank to the Traffic Court Officer, that person may request a hearing with the Base Inspector for resolution of their citation. For the purposes of this Order, MCB civilian employees include those individuals employed at MCB, Quantico, the Naval Medical Clinic (NMCL), and other tenant activities aboard this Installation. Per references (a) and (b), the following personnel are under the jurisdiction of the MCB traffic court:

(1) MCB military and civilian personnel operating government vehicles on or off base.

(2) MCB military personnel and their dependents operating motor vehicle on this Base or on other armed forces installations.

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(3) MCCDC civilian employees and contract employees operating privately owned vehicles on base.

(4) Retired military personnel and their dependents operating their privately-owned vehicles that are registered on MCCDC.

5. Appearance at Traffic Court

a. General

(1) When military police issue a citation for a moving traffic violation, the alleged offender has the option of appearing in traffic court or waiving his/her appearance by signing the "waiver statement" on the white portion of the reverse side of the Armed Forces Traffic Ticket (DD Form 1408). By signing the **"waiver statement,"** the individual admits his/her guilt and agrees to an assessment against his/her base driving record of the maximum points for the violation. However, a record check of all individuals receiving traffic citations will be conducted. If it is subsequently discovered that an individual's base driving record (to include the most recent offense) requires further administrative action, the individual will be notified that, despite signing the **"waiver statement,"** his/her appearance in traffic court is mandatory. On the other hand, when an alleged offender elects to appear in traffic court, the military police will assign a court date on the white portion of the reverse side of the ticket and, by signing this statement, the alleged offender agrees to appear in traffic court at the specified date and time.

(2) Violations of active duty and retired military personnel and their dependents operating privately-owned vehicles registered at other commands will be forwarded to those commands for action. Military personnel temporarily assigned to this command will have their case adjudicated by the MCCDC Traffic Court Officer.

(3) All individuals cited for non-moving violations must appear in traffic court at the time and date specified on the ticket.

(4) Military personnel will be in the appropriate uniform of the day and civilians will be in appropriate civilian attire for their court appearance.

b. Active Duty Personnel. Active duty personnel who fail to appear on their assigned court date will receive a letter of warning via their chain of command with information on how to obtain a new court date. Failure to appear for the second court date will result in revocation of base driving privileges. If the individual does not appear in traffic court, this revocation will remain in effect for two years.

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c. Retired Personnel, Civilian Employees, Dependents, and Contract Employees. Retired personnel, civilian employees, dependents, and contract employees who fail to appear on their assigned court date will receive a letter of warning with information on how to obtain a new court date. Failure to appear for the second court date will result in revocation of base driving privileges. If the individual does not appear in traffic court, this revocation will remain in effect for two years

6. Point System

a. This system is administrative, not judicial. No administrative action taken at traffic court will become part of any individual's civilian driving record. Points will be assessed against an individual's base driving record when he/she is found guilty of a traffic violation. Points will not be assessed for **non-moving** violations. A listing of the traffic violations and their associated point assessments may be found in the enclosure.

b. If an individual is found guilty of 4 or more moving traffic violations in 12 consecutive months, accumulates 12 points in a 12-month period, or accumulates 18 points in a 24-month period, he/she will be required to appear at traffic court. Based on the frequency, flagrancy, severity of violations, and the individual's response to driver improvement measures, one of the following actions will be imposed by the Traffic Court Officer:

(1) Revocation of an individual's base driving privilege for at least a year.

(2) Suspension of an individual's base driving privilege for up to six months.

(3) Restriction of an individual's base driving privilege if a suspension or revocation would adversely affect the Command's mission or create undue hardship. The restriction will be for the same time period of the revocation or suspension.

c. Points assessed against an individual's driving record will remain in effect for a period of 24 consecutive months. Completion of a revocation based on points results in the removal of all points assessed prior to the revocation.

d. Violations will remain on an individual's base driving record for the following time periods:

(1) Seven years for mandatory revocations of driving privileges.

(2) Five years for the nonmandatory suspensions or revocations listed in enclosure (1).

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(3) Three years for chargeable nonfatal accidents or moving violations.

7. Information

a. Remedial Driver's Training Course. In addition to being assessed points, military members who have been identified as problem drivers may be directed by the Traffic Court Officer to attend the Remedial Driver Training Course per this Order and reference (c). A @@problem driver" is defined as one who has accumulated at least six points in a six-month period.

(1) The Remedial Driver Training Course is held from 0745 to 1630 on the last Saturday of each month in Building 1001, unless otherwise noted.

(2) Military personnel assigned will wear the Summer Service "C" or Winter Service "B" uniform.

(3) Assigned personnel must attend as scheduled. Failure to do so may result in suspension of driving privileges until successful completion of the course.

(4) Civilian personnel may be encouraged, but not required, to attend.

b. Anneals and Requests for Reinstatement of Privileges

(1) An appeal of any action administered by the Traffic Court Officer must be submitted in writing to the CG (C 052) within ten working days of the court's decision. Each request must state the justification for the appeal and the relief sought. The MCCDC Inspector will be the review authority and in this capacity may suspend, mitigate, or set aside any part of the action taken by the Traffic Court Officer. A copy of the decision of the review authority will be provided to the Traffic Court.

(2) Requests for early reinstatement of suspended or revoked base driving privileges will be considered on a case-by-case basis. The requests will be forwarded to the Traffic Court Officer (C 052) via the chain of command. Civilians and dependents will submit their requests directly to the Traffic Court Officer (C 052) with their supporting documentation. The requestor must have served 1 month of a B-month suspension, 2 months of a 12-month revocation, or 5 months of a 24-month revocation and meet the following conditions:

(a) The individual is a military member, military dependent, or civilian employee whose performance and conduct are of a quality which merits special consideration.

(b) The individual has completed Remedial Driver's Training Course.

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(c) The individual has the written support of his/her commanding officer, officer in charge, civilian supervisor, or sponsor.

(d) The individual has not committed any subsequent traffic offenses aboard MCCDC.

c. U.S. Magistrate's Court Adjudications. When an Armed Forces Traffic Ticket (DD Form 1805) is issued by the military police per reference (d), the alleged offender will be required to appear in U.S. Magistrate's Court in Alexandria, Virginia.

d. Driving While Intoxicated or in Possession of Drugs

(1) Upon notification of an individual having been cited for driving while intoxicated, the Traffic Court Officer will immediately suspend the alleged offender's driving privileges. The suspension will become a mandatory one-year revocation commencing from the date of notification under the following circumstances:

(a) Individual refused a breathalyzer test to determine blood alcohol content.

(b) A conviction or other administrative action resulting in the revocation of driver's license for intoxicated driving.

(c) A determination by the Traffic Court Officer that the individual's cited blood alcohol content was obtained per current regulations.

(2) Individuals in the possession of drug-related contraband, marijuana, or other controlled substance while a passenger or operator of a motor vehicle will have their driving privilege revoked.

(3) When an individual is found not guilty of DWI/DUI or possession of drugs by a court or an administrative tribunal, reinstatement of driving privileges may be approved by the Traffic Court Officer.

e. Driving Upon Suspended or Revoked License or Privilege

(1) Any person whose driver's license is suspended or revoked in any state or the District of Columbia is prohibited from operating privately-owned and/or government-owned vehicles on MCCDC during the period of suspension or revocation. Reinstatement of base driving privileges may be requested when the individual presents a valid operator's license to the traffic court.

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(2) An individual found guilty of operating a motor vehicle aboard the base while his/her base driving privileges have been suspended or revoked will have his/her base driving privileges revoked for an additional two years. Military personnel may also be subject to disciplinary action under the Uniform Code of Military Justice (UCMJ).

f. Wearina of Headphones. The use of radio headphones or other personal portable entertainment devices which cover the ears and hinder normal hearing is addressed in references (d) and (e). The use of these devices while operating a motor vehicle aboard MCCDC is prohibited.

8. Mass Transit Operator Violations

a. Mass transit vehicles are those vehicles which are carrying, or are designed to carry, more than six individuals including the driver. Such vehicles include buses, "cattle cars," trucks, vans, and similar vehicles.

b. The risk of multiple loss of life or serious personal injury imposes a heavy responsibility on those operating mass transit vehicles. Prior to being issued a mass transit operator's license, the individual's driving record will be screened for moving violations. The Driver Training Office will request this screening from the Traffic Court. If an individual's driving record reflects an accumulation of eight points, that individual will not be issued a mass transit operator's license. Because of the extra responsibility, the following actions will be applied to those persons licensed by the military to operate mass transit vehicles:

(1) When a licensed mass transit operator is found guilty of a moving violation while operating a mass transit vehicle with passengers aboard, an additional four points will be assessed against the individual's driving record. This assessment will be in addition to the points normally assigned for the violation.

(2) An accumulation of eight points on the driving record of a licensed mass transit operator will require a mandatory suspension of base driving privileges for 30 days and mandatory attendance at Remedial Drivers' Training Course.

(3) Military police will note in the "Remarks" block of the ticket the number of passengers the mass transit vehicle was carrying at the time of the citation.

9. Action

a. Staff Judge Advocate. Assist the Traffic Court Officer in an advisory capacity.

b. Inspector. Perform the functions as the review authority for traffic court actions.

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C. Commandina Officers

(1) Consider for appropriate disciplinary or administrative action cases of the following:

(a) A military member's failure to appear before a scheduled traffic court.

(b) A military member's failure to attend the Remedial Driver's Training Course as ordered.

(c) A military member's failure to comply with a base driving suspension or revocation.

(2) Complete the commander's endorsement on each traffic court action reporting their review and any other action taken.

d. Traffic Court Officer

(1) Ensure compliance with reference (a) as it pertains to traffic court records, reports, and operations.

(2) Record on the Traffic Court Action Form revocation, suspension, assignment to Remedial Driver's Training Course, or recommendations to the commanding officer. Provide a copy to the offender's commanding officer and a copy to the offender.

(3) Record on the back of the Armed Forces Traffic Ticket all other actions of the traffic court. The ticket will be signed by the Traffic Court Officer and the individual if he/she is present.

(4) Advise the commanding officer of possible violations of the UCMJ the offender may have committed. Note this recommendation in the remarks section of the Traffic Court Action Form.

(5) Revoke or suspend U.S. Government Motor Vehicle Operator's Identification Cards (SF 46) for moving violations.

(6) Revoke for an additional period of not less than two years driving privileges of individuals found guilty of driving on suspended or revoked base driving privileges.

(7) Temporarily suspend driving privileges of personnel who are directed, but fail to attend, Remedial Driver's Training Course. After six months, the temporary suspension will automatically become a revocation if the individual has not successfully completed Remedial Driver's Training Course. Satisfactory completion of the school may allow reinstatement of driving privileges.

(8) Notify the Provost Marshal of all persons whose base driving privileges have been suspended or revoked.

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(9) Refer appropriate cases to the U.S. Magistrate in Alexandria, Virginia.

(10) Impose partial restrictions upon driving privileges in lieu of a suspension or revocation. The Traffic Court Officer will consider partial restrictions when the adverse effect on either the Command's military mission or the individual's family is severe. This action must specify in writing where the partial suspension or revocation applies.

(11) If warranted by an individual's driving record, impose a probationary period in lieu of a suspension.

(12) Upon appeal of a Traffic Court action, the Traffic Court Officer will take corrective action if it is determined that the suspension or revocation is not the fault of the individual whose privileges were suspended or revoked. If the appeal does not meet the above criteria, the Traffic Court Officer will forward the appeal to the review authority.

e. Head, Driver Training Section

(1) Conduct Remedial Driver's Training Course per the provisions of reference (c).

(2) Submit reports on attendance to the appropriate commanding officers, supervisors, and the Traffic Court Officer.

10. Enforceability. Paragraphs 7(a) and 7(e) of this Order are regulatory general orders and apply to all military personnel individually without further implementation. A violation of these provisions is punishable per the UCMJ.


C. B. ABRAHAM

DISTRIBUTION: A

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TABLE OF VIOLATIONS AND ADMINISTRATIVE ACTIONS

Upon conviction of a traffic offense, this table indicates the maximum penalty:

MANDATORY ACTIONS

| <u>VIOLATION</u> | <u>POINTS</u> | <u>REVOCATION OR SUSPENSION</u> |
|--|---------------|-------------------------------------|
| Operating a vehicle while under suspension or revocation of driving privileges | | 2-year revocation |
| Manslaughter (or negligent homicide by vehicle) resulting from the operation of a motor vehicle | | 1-year revocation |
| Driving or being in actual physical control of a motor vehicle while under the influence of alcohol (.10% or greater) or under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatever nature to a degree rendering them incapable of safe operation of a motor vehicle | | 1-year revocation |
| Any person in possession of drug related contraband, marijuana, or other controlled substance while a passenger of a motor vehicle | | 1-year revocation |
| Fleeing the scene of an accident, where death or personal injury is involved (hit and run) | | 1-year revocation |
| Unauthorized use of a motor vehicle belonging to another, which act does not constitute a felony | | 1-year revocation |
| Any felony in which a motor vehicle was used | | 1-year revocation |
| Perjury or making a false affidavit or statement under oath to responsible officials or under laws or regulations relating to the ownership or operation of motor vehicles | | 1-year revocation |
| Refusal to submit or failure to complete a chemical test (implied consent) | | 1-year revocation |

ENCLOSURE (1)

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MAXIMUM ACTIONS

| <u>VIOLATION</u> | <u>POINTS</u> | <u>REVOCATION OR SUSPENSION</u> |
|--|---------------|-------------------------------------|
| Second failure to appear in traffic court | | 2-year revocation |
| Reckless driving | 6 | 6-month suspension |
| Fleeing the scene of an accident involving damage to property of another without making identity known | 6 | 6-month suspension |
| Driving while impaired | 6 | 6-month suspension |
| Driving while incompetent to drive a motor vehicle (mental or physical) | 6 | 6-month suspension |
| Owner knowingly and willfully permitting another to operate motor vehicle while physically impaired (DWI or DUI) | 6 | 6-month suspension |
| Committing an offense off the base which would be grounds for suspension or revocation | | 6-month suspension |
| Permitting an unlawful or fraudulent use of an official driver's license | | 6-month suspension |
| Allowing an unlicensed person to drive | | 6-month suspension |
| Convicted of fleeing or attempting to elude a police officer | | 6-month suspension |
| Convicted of racing on the highway | 6 | 6-month suspension |
| Open container of alcohol in vehicle | | 6-month suspension |
| Speeding 20 or more miles over the posted limit | 6 | |
| Speeding 16 - 19 miles over the posted limit | 5 | |
| Speeding 11 - 15 miles over the posted limit | 4 | |
| ENCLOSURE (1) | | |

MAXIMUM ACTIONS

| <u>VIOLATION</u> | <u>POINTS</u> | <u>REVOCATION OR SUSPENSION</u> |
|---|---------------|-------------------------------------|
| Speeding 1-10 miles over the posted limit | 3 | |
| Following too close | 4 | |
| Failure to yield right-of-way to emergency vehicle | 4 | |
| Failure to stop for school bus or school crossing signals | 4 | |
| Failure to obey traffic signals, traffic instructions of an enforcement officer or any official regulating a traffic device requiring a mandatory stop, yield the right-of-way, or required traffic direction | 4 | |
| Improper passing or lane usage | 4 | |
| Failure to yield (no official sign involved) | 4 | |
| Speed too slow for traffic conditions | 3 | |
| Improper turning movements (no official sign involved) | 3 | |
| Unsafe movement | 3 | |
| Failure to wear seat belt (operator or passenger) | | |
| First offense | 2 | |
| Second offense | 3 | |
| Other moving violations (involving driver behavior only) | 3 | |
| Failure to wear an approved helmet or reflectorized vest while operating a motorcycle, MOPED, or other vehicle powered by a motorcycle type engine | 3 | |
| Possessing a radar detection device in motor vehicle | 3 | |

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MAXIMUM ACTIONS

| <u>VIOLATION</u> | <u>POINTS</u> | <u>REVOCATION OR SUSPENSION</u> |
|---|---------------|-------------------------------------|
| Failure to report involvement in an accident | | 60-day suspension |
| Expired temporary pass | | 60-day suspension |
| No insurance | | 60-day suspension |
| Throwing litter from vehicle | | 60-day suspension |
| Expired inspection sticker/no registration | | 60-day suspension |
| Failure to properly register vehicle | | 60-day suspension |
| Illegal parking | | |
| First offense | | Warning |
| Second offense | | Warning |
| Third offense | | 60-day suspension |
| Fourth offense | | 6 - m o n t h suspension |

ENCLOSURE (1)